

REMARKS

As a preliminary, Applicant and Applicant's representative thank the Examiner for the interview of November 12, 2009.

By the present amendment, claim 1 has been amended to clarify that the support comprises a base and a T-shaped guide protruding from an end of the base, wherein a head of the T is shaped so as to protect the elbow of each tube and a body of the T being shaped as a slot guiding the tube or the two tubes in the outgoing direction of flow.

Claim 12 has been amended to clarify that the machine comprises a cassette as claimed in claim 1.

Also, claims 1 and 12 have been presented with separate paragraphs for improved legibility.

Claim 4 has been amended to replace "integrated" by "integral."

Claim 18 has been amended to replace "the two" by "the."

Claims 1-18 are pending in the present application. Claim 1 is the only independent claim.

Art rejection

In the Office Action, claims 1-18 are rejected under 35 U.S.C. 103(a) as obvious over US 6,817,984 to Robinson et al. ("Robinson").

It is alleged in the Office Action that Robinson at col. 5, lines 44-60, col. 7, lines 50-61, and col. 8, lines 33-47 discloses "protective structures, aids for proper alignment for tubing and cassette, and appropriate guide elements" (Office Action at page 3).

Reconsideration and withdrawal of the rejection is respectfully requested. As discussed at the interview, Robinson only mentions guiding and alignment structures, in particular in the passage at col. 5, and Robinson does not describe the cassette 26 except to mention its side rails 28 (guiding and alignment structures), in particular in the passage at col. 7, and further, Robinson only describes openings such as 45, 48A in the cassette for cooperation with the machine, in particular in the passage at col. 8.

Turning to the drawings of Robinson, the cassette 26 of Robinson is generally square-shaped and flat, and it does not seem to form any protection for elbows of the tubes, nor a slot for guiding (and/or protecting) a tube or tubes. Also, there is no T-shaped element in the cassette of Robinson.

In contrast, in the presently claimed invention, the support comprises a base and a T-shaped guide protruding from an end of the base, wherein a head of the T is shaped so as to protect the elbow of each tube and a body of the T being shaped as a slot guiding the tube or the two tubes in the outgoing direction of flow, as recited in present claim 1.

An advantage of this feature is that the support can provide protection for the elbow of each tube while leaving a large recess for access to the tube by a pumping mechanism. This feature of the presently claimed invention is not taught or suggested in Robinson. Therefore, present claims 1-11 are not anticipated by Robinson, and not obvious over Robinson.

In addition, with respect to the dependent claims, it is submitted that Robinson fails to teach or suggest the combined features of each of these respective claims.

In particular, with respect to claims 12-18, Robinson at col. 7, lines 50-67, col. 8, lines 1-47, col. 11, lines 62-67, col. 12, lines 1-52, col. 13, lines 36-67 and col. 14, lines 1-25 and Figs. 1-8 does not disclose a “peristaltic pump with shoe, rollers, a chassis, and a cassette holder.” Cols. 11-12 of Robinson mention roller assemblies, but they do not define movements of the cassette in a translation direction and a transversal plane, as the carriage and cassette holder in the present invention. As a result, Robinson is completely silent regarding a moveable carriage and cassette holder as recited in present claim 12.

Therefore, each of the dependent claims, and in particular, each of claims 12-18, is not anticipated by Robinson, and not obvious over Robinson.

In view of the above, it is submitted that the rejection should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Application No. **10/591,440**
Art Unit: **3763**

Amendment under 37 CFR §1.111
Attorney Docket No.: **062999**

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to Deposit Account No. 50-2866.

Respectfully submitted,
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